



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 1 0 2008

Steve Bachman
Attorney at Law
51420 Hunters Crossing Court
Granger, Indiana 46530-8856

RE: MUR 5970
ACORN

Dear Mr. Bachman:

On April 25, 2008, the Federal Election Commission notified your client, Association of Community Organizations for Reform Now ("ACORN"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On October 22, 2008, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe ACORN violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter at (202) 694-1548.

Sincerely,

A handwritten signature in black ink, reading "Julie K. McConnell / sjs".

Julie K. McConnell
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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2 **FEDERAL ELECTION COMMISSION**

3 **FACTUAL AND LEGAL ANALYSIS**
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5 **RESPONDENT: ACORN**

MUR: 5970

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8 **I. INTRODUCTION**
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10 This matter was generated by a complaint filed with the Federal Election Commission by
11 Lori Sherwood. See 2 U.S.C. § 437g(a)(1).

12 **II. FACTUAL AND LEGAL ANALYSIS**

13 The complaint states that the Association of Community Organizations for Reform Now
14 ("ACORN") has made independent expenditures on behalf of Donna Edwards for Congress
15 ("Committee"). The complaint appears to allege that a non-profit organization was "actively
16 involved" in making independent expenditures.

17 ACORN is a national grass-roots community organization with 1,200 local chapters.
18 ACORN states that it has not made independent expenditures on behalf of Edwards. In 2006,
19 ACORN's Maryland chapter provided field services to the Edwards campaign, as a
20 subcontractor. ACORN states that it did not make any public communications in 2006 or 2008
21 that referred to Edwards. ACORN acknowledges that Edwards attended a press conference
22 where ACORN announced its endorsement of her for the 2008 primary. Other than the
23 endorsement, ACORN never made a communication to the public that expressly advocated the
24 election of Edwards or defeat of Wynn.

25 The facts alleged do not state a FECA violation. ACORN appears to have been named as
26 a respondent due to the address its shares with certain other organizations in New Orleans.

**ACORN Factual and Legal Analysis
MUR 5970**

- 1 ACORN appears to have operated as a sub-vendor to another organization. In addition, although**
- 2 not alleged in the complaint, the available information suggests that ACORN properly handled**
- 3 the announcement of its endorsement of Donna Edwards, pursuant to 11 C.F.R. § 114.4(e)(6).**
- 4 There is no reason to believe that ACORN violated the Act.**